

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, October 6, 2010
10:00 a.m.
Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: September 22, 2010

RE: Closed Session of the Board to be held on October 6, 2010

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISION OF ADMINISTRATIVE LAW JUDGE:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. GOLDENWOOD FLOORS, INC., 10-R4D3-0230

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. AT&T, 08-R2D5-2734
2. EYAL ABUDI DBA SALDOS GIGANTES, 10-R3D2-2197
3. ADDISON PENZAK JEWISH COMMUNITY CENTER, 09-R1D2-2570
4. BEST SUPREME CARWASH SUPPLIES, INC., 10-R4D3-1008 THROUGH 1010

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5. CALIFORNIA ROOF MANAGEMENT & CONSTRUCTION, INC., 09-R1D2-1606
6. CITY OF GLENDALE WATER & POWER, 09-R4D2-3497
7. COLUMBIA PEST CONTROL, 10-R3D2-0824 THROUGH 0826
8. CUSTOM DRYWALL, INC., 09-R1D2-2284
9. CWD LLC DBA CENTRIC PARTS, 10-R3D5-1858 AND 1859
10. JERRY DE LA CRUZ DBA DE LA CRUZ PAINTING, 09-R1D2-1586
11. DUCOMMUN AEROSTRUCTURES, INC., 10-R4D2-0841
12. GILBERT ESQUIVEZ DBA AZTEC ROOFING COMPANY, 09-R6D5-3996 AND 3997
13. GROWERS CHOICE, INC., 09-R6D7-4042
14. J. A. CONTRACTING MANAGEMENT, INC., 10-R4D3-0683 AND 0684
15. MARIN MANUFACTURING, INC., 09-R6D1-2601
16. PACIFIC BELL TELEPHONE CO. DBA AT&T CALIFORNIA, 10-R4D3-0134 AND 10-R4D3-0889
17. CARLOS CARABAJAL PONCE DBA CARLOS AUTOBODY SHOP, 09-R6D7-2040
18. POTENTIAL INDUSTRIES, INC., 10-R3D5-2302
19. PREFERRED TILE AND MARBLE COMPANY, 09-R1D2-1497
20. PREMIUM PACKING, INC., 09-R1D2-1991
21. RAWSON CUSTOM CABINETS, INC., 09-R1D2-2569
22. SARGENT CATTLE COMPANY LLC, 09-R1D2-2420
23. SEARS MARKETING CENTER, 10-R4D3-0109
24. STEVENS HEMINGWAY STEVENS, 09-R2D2-1463
25. TIEN HU CHINESE CUISINE & SUSHI, INC., 10-R6D7-1950
26. TREBOR SHORING RENTALS CALIFORNIA DIVISION, 10-R3D2-0781

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27. WATERPROOFING EXPERTS, INC., 10-R4D2-0050 AND 0051
28. WMJ FARMS, INC., 10-R6D5-2564 AND 2565
29. Z PIZZA CORPORATION, 10-R4D1-1884 AND 1885

ORDER AFTER REMAND:

1. MASTER LANDSCAPE & MAINTENANCE, INC., 10-R3D1-0822

LEGAL MATTERS:

(Any legal matter that must be acted upon or legal matters pending before the Board requiring specific Board action.)

PETITION FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
2. SMUD, 08-R2D1-4887 THROUGH 4889

DENIALS OF PETITION FOR RECONSIDERATION (DRAFTS):

1. JUANA GONZALES DBA LOS REYES RESTAURANT, 10-R6D7-9184
2. SHIMMICK-OBASHI, 08-R3D3-5023 THROUGH 5025

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
4. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
5. ANNING-JOHNSON COMPANY, 06-R1D3-1976
6. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337

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7. BART, 03-R1D1-5170
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
10. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
12. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239
THROUGH 2241
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
23. COMMERCIAL METAL FORMING, 09-R3D1-1592
24. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
25. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
26. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
27. DESIGN BUILDERS, INC., 08-R4D4-1901
28. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
29. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177

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30. DUKE PACIFIC, INC., 08-R3D3-574
31. DUININCK BROS., INC., 06-R4D3-2871
32. DYNALECTRIC, 03-R1D1-4101
33. E. C. U., INC., 09-R3D5-1094 AND 1095
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
38. FORTUNA IRON WORKS 06-R2D3-4222
39. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
40. G.T. ALDERMAN, INC., 05-R4D3-3513
41. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
42. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
43. GLASS PAK, 03-R2D2-750 AND 751
44. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
45. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
46. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
47. HB PARKCO, 07-R4D2-1730 AND 1731
48. HELPMATES STAFFING SERVICES, 05-R3D3-2239
49. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
50. HUSSMAN CORPORATION, 03-R3D1-2939
51. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
52. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185

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- 53. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
- 54. JENSEN PRECAST, 05-R2D1-2377
- 55. JOHN LAING HOMES, 04-R3D1-194 AND 195
- 56. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
- 57. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
- 58. KELLY SERVICES, INC., 06-R1D2-1024
- 59. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
- 60. LA MINA CANTINA, 09-R2D5-0039
- 61. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
- 62. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
- 63. LION RAISINS, INC., 08-R2D5-2253 AND 2254
- 64. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
- 65. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
- 66. MARINE TERMINALS, 08-08-R6D2-1920
- 67. MELMARC PRODUCTS, INC., 09-R3D1-2878
- 68. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
- 69. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
- 70. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
- 71. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
- 72. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
- 73. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE
CONTRACTING, INC., 08-R2D1-0025 AND 0026
- 74. POUK & STEINLE, INC., 09-R3D3-0491
- 75. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784

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76. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
77. R & L BROSAMER, INC., 03-R1D5-4832
78. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
79. ROBERT BRKICH CONSTRUCTION CORP., 10-R3D6-1698
80. S & S FOODS, 10-R3D6-1582
81. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
82. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
83. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
84. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
85. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
86. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
87. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414
THROUGH 3418
88. STACY & WITBECK, INC., 05-R1D1-1142
89. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
90. SUNOPTA FRUIT GROUP, 09-R3D1-9245
91. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
92. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT
AGGREGATES, 04-R5D2-850 AND 851
93. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650
AND 2651
94. TEICHERT AGGREGATES, 04-R5D1-2982
95. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
96. UNITED PARCEL SERVICE, 07-R3D3-3322
97. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

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98. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

99. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384
(08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
12. JC CONSTRUCTION, BS124990 (09-9265)
13. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
14. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-
1139)

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15. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047
(07-R5D1-3611)

16. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-
80000640 (08-R2D1-0027 THROUGH 0030)

COURT OF APPEAL

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)
2. HARRIS CONSTRUCTION COMPANY, INC., C060578 (07-CS00518) (05-3914)*
3. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)*

OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

PERSONNEL

(Issues regarding staff.)

Any matter not completed at this Closed Session may be continued to subsequent meetings.